

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

Claim amendment/Status

Claims 16-23, 25 and 30-39 remain pending in the application. Applicant appreciatively notes that claims 31-39 are allowed and that claim 30 would be allowed if amended to include all of the limitations base claims and any intervening claims. The claims have not been amended and stand as they were finally rejected.

Rejections under 35 USC § 103

The rejections of:

- 1) claims 16-21 and 25 under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al. (U.S. 7,101,726 B2) in view of Min (U.S. 7,244,632 B2 – prior art of record) and Kirby et al. (U.S. 2005/0275049 A1 – prior art of record);
- 2) claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al. and Min and Kirby et al. as applied to claim 16 above, and further in view of Pourquier et al. (U.S. 7,217,590 B2 – prior art of record); and
- 3) claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al. and Min and Kirby et al. as applied to claim 16 above, and further in view of Bazan et al. (U.S. 6,515,317 B1 – prior art); and summarily traversed.

The instant application claims a French priority of Priority date of December 12, 2003. It is therefore submitted that Yamamoto (Filing date November 3, 2004); Min (Filing date July 29 2004); and Kirby (Filing date June 10 2004) were all filed after the priority date and therefore not available as references against the claimed subject matter.

At the very least, the withdrawal of the finality of the Office action is requested. The sole ground of rejection of claim 16 is under USC § 103 over Yamamoto (newly cited), Min, and Kirby. In that none of these qualifies as prior art under USC § 102 because they all have a filing date in the US later than the instant application priority date, all of the rejections are rendered moot.

It is submitted that the claim for foreign priority has been acknowledged and a certified copy of the priority document has been received.

In addition, attention is called to the fact that claim 16 specifies a feature whereby "said trenches comprise a series of parallel trenches located under the contact pad ....", and a feature whereby the trenches are filled "with a conducting material isolated from the active layer." The absence of a series of parallel trenches in Yamamoto is acknowledged by the Examiner. Min uses trenches but the trenches are not isolated from the active layer and for that reason they would not be suitable for a contact pad. Min does not disclose any feature related to a contact pad and certainly not a series of parallel trenches located under a pad and in contact with the pad. Kirby discloses only one opening under one contact pad, not a series of parallel trenches located under the pad, contrary to what is indicated in the office action at page 3 last lines.

The grant of claim 16 and dependent claims 17-23 and 25 is therefore courteously solicited.

#### Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the application is in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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